

Amendment No. 2 to HB2134

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 2268**

**House Bill No. 2134\***

by deleting the effective date section and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 36-3-105(a), is amended by deleting the subsection and substituting instead the following:

(a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where:

(1) Either of the contracting parties is under seventeen (17) years of age;

or

(2) One (1) of the contracting parties is at least seventeen (17) years of age but less than eighteen (18) years of age and the other contracting party is at least four (4) years older than the minor contracting party.

SECTION 4. Tennessee Code Annotated, Section 36-3-106, is amended by adding the following as new subsections:

( ) The parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant shall join in the application either by personal appearance before the county clerk or deputy county clerk, or by submitting a sworn and notarized affidavit.

( ) The consent of the applicant's parents, guardian, next of kin, other person having custody of the applicant, or duly authorized representative of a public or private agency having legal custody of the applicant is not required if the applicant is emancipated at the time of the application.

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( ) An applicant who is under eighteen (18) years of age shall be considered emancipated after entering into marriage and all disabilities of minority shall be removed.

SECTION 5. Tennessee Code Annotated, Section 36-3-107, is amended by deleting the section in its entirety.

SECTION 6. Tennessee Code Annotated, Section 36-3-111, is amended by deleting the language "36-3-107" and substituting instead the language "36-3-106".

SECTION 7. Tennessee Code Annotated, Section 36-3-306, is amended by deleting the language "36-3-107" and substituting instead the language "36-3-106".

SECTION 8. Tennessee Code Annotated, Title 36, Chapter 3, is amended by adding the following new part:

**36-3-201.**

(a) Marriage, at any age, that is entered into without valid, freely-given consent from both parties is contrary to the public policy of this state and shall be void and unenforceable in this state.

(b) A person who is forced, whether by violence, threats, or coercion, to marry another shall have a cause of action against any party who forced the person to marry. A claim under this section shall not be based on parental or familial guidance motivated by the person's best interest, which is expressed in a reasonable manner.

(c) Damages for a claim under this section shall include:

- (1) Liquidated damages of two hundred fifty thousand dollars (\$250,000);
- (2) Reasonable attorneys' fees; and

(3) Court costs.

(d) Upon a finding of forced marriage, the court shall order the marriage in question void.

(e) Notwithstanding § 28-3-104, an action under this section must be commenced within ten (10) years after the cause of action accrues by solemnization of marriage.

SECTION 9. Section 1 and Section 2 of this act shall take effect July 1, 2018, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it, and shall apply only to licenses issued for applications submitted on or after such date.